UNOFFICIAL COPY

Fresno, California December 19, 2013

The City Council met in regular session at the hour of 1:30 p.m. in the Council Chamber, City Hall, on the day above written.

Present:	Blong Xiong	Council President
	Steve Brandau	Acting Council President
	Oliver Baines III	Councilmember – Arrived shortly thereafter.
	Paul Caprioglio	Councilmember
	Sal Quintero	Councilmember
	Lee Brand	Councilmember
	Clinton Olivier	Councilmember

Bruce Rudd, City Manager
Renena Smith, Assistant City Manager
Doug Sloan, City Attorney
Yvonne Spence, City Clerk
Todd Stermer, Assistant City Clerk

Pastor Henry Pauls of Central Community Church gave the invocation and President Xiong led the Pledge of Allegiance.

ADD ON PROCLAMATION: PATRICK WIEMILLER DAY.

The above proclamation was read and presented.

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APPROVE CITY COUNCIL MINUTES OF DECEMBER 12, 2013

Approval of the minutes from December 12, 2013 were laid over until January 9, 2014.

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COUNCIL MEMBER REPORTS AND COMMENTS:

Councilmember Quintero thanked all city employees for their hard work throughout the tough year as well as his fellow Councilmembers and administration. Councilmember Quintero said if people would do what they enjoy doing and were to say "hello" to others and smile, it would help make Fresno an even better place and wished everyone a Merry Christmas.

Councilmember Olivier thanked Mr. Wiemiller for his service, recalled his dedication to District One and said he would be missed.

Councilmember Caprioglio recognized Mr. Wiemiller's service and thanked city staff and employees for making Fresno a better place through their dedication.

Acting President Brandau thanked President Xiong for mentoring him and recognized Mr. Wiemiller for his service and dedication in District Two. Acting President Brandau gave a "shout out" to the Fresno State football team which would play in the upcoming Los Vegas Bowl.

Councilmember Brand expressed his support for the Fresno State football team and thanked President Xiong for being an efficient and fair President. Councilmember Baines thanked Mr. Wiemiller for his service and recalled his assistance dealing with streetlights and his willingness to help after hours.

Councilmember Baines stated Mr. Wiemiller was an amazing asset to the city and would be sorely missed and thanked President Xiong for the tremendous job he did as President and thanked him for his friendship.

President Xiong thanked everyone for their appreciation and thanked the Councilmembers and City Hall staff for the success of the Christmas event earlier in the day. President Xiong wished everyone a Merry Christmas and Happy New Year and invited people to attend the Hmong New Year Celebration from December 26 through January 1 and hoped 2014 would be filled with peace and joy.

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APPROVE AGENDA:

The following corrections to the Agenda were read into the record by the City Clerk:

Item 1-C, approval of the 2014 City Council meeting schedule, was corrected to reflect there would be a council meeting on April 3, 2014 at 8:30a.m. and no council meeting on April 17, 2014

The 3:30 p.m. item, hearing regarding Plan Amendment Application No. A-10-002 & Rezone Application No. A-10-002, is corrected to reflect the location of the subject property in District 3, not District 1.

On motion of Councilmember Caprioglio, seconded by Councilmember Brand, duly carried, RESOLVED, the **AGENDA** hereby approved, *as amended*, by the following vote:

Ayes : Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Xiong
Noes : None
Absent : None

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The following people requested to speak on Consent Calendar items and were called by President Xiong:

Jim Santos, 22276 Masters Drive, Friant, and Frances Reyes Acosta of Research for Independence, Central Valley, spoke in favor of Item 1-D.

Charles Krugman, 1237 P Street and Don Shelton Jr., 847 W. Home spoke in support of item 1-J. Mr. Krugman was concerned Care Fresno would provide proselytizing bible study in violation of the separation of church and state. Mr. Shelton discussed providing career training as a means of dealing with gangs.

Brunette Harris of HEAT, P.O. Box 12571, spoke in opposition of item 1-F and 1-J #3 and felt the actions were illegal and were required to be on hold.

Diane Smith of HEAT, P.O. Box 12571, spoke in opposition of items 1-E and 1-F and felt the actions were illegal and were required to be on hold.

ADOPT CONSENT CALENDAR:

(1-A) RESOLUTION NO. 2013-204 – RESOLUTION OF INTENTION TO ANNEX FINAL TRACT MAP NO. 6028, ANNEXATION NO. 52, TO THE CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 11 (WEST SIDE OF N. ARMSTRONG AVENUE BETWEEN E. ASHLAN AND DAKOTA AVENUES); AUTHORIZE THE LEVY OF SPECIAL TAXES; AND SETTING THE PUBLIC HEARING FOR JANUARY 16, 2013 AT 2:00 P.M.

(1-B) RESOLUTION NO. 2013-205 - RESOLUTION OF INTENTION TO ANNEX FINAL TRACT MAPS NO. 5567 AND 5770, ANNEXATION NO. 136, TO THE CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 2 (EAST SIDE OF N POLK AVENUE BETWEEN W. SHIELDS AND CLINTON AVENUES); AUTHORIZE THE LEVY OF SPECIAL TAXES; AND SETTING THE PUBLIC HEARING FOR JANUARY 16, 2013 AT 2:15 P.M.

(1-C) APPROVAL OF THE 2014 CITY COUNCIL MEETING SCHEDULE – CITY CLERK'S OFFICE

(1-D) APPROVAL OF A FIVE-YEAR AGREEMENT WITH RESOURCES FOR INDEPENDENCE CENTRAL VALLEY FOR LEAD AGENCY RESPONSIBILITY AT THE UNIVERSALLY ACCESSIBLE PARK

(1-E) ACTIONS PERTAINING TO THE AGRICULTURAL LEASE AND AGREEMENT FOR 158-ACRES OF CITY-OWNED LAND AT THE FRESNO-CLOVIS REGIONAL WASTEWATER RECLAMATION FACILITY
#1 ADOPT FINDING OF CATEGORICAL EXEMPTION PURSUANT TO CLASS 1 SECTION 15301(C) (EXISTING FACILITIES) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES
#2 APPROVE AN AGRICULTURAL LEASE AND AGREEMENT WITH BAKERSFIELD PROPERTIES, INC., FOR 158-ACRES OF CITY-OWNED LAND AT THE FRESNO-CLOVIS REGIONAL WASTEWATER RECLAMATION FACILITY WITH ANTICIPATED GROSS REVENUES OF $94,800 PER YEAR TO THE WASTEWATER ENTERPRISE FUND FOR THE DURATION OF AND CONTRACT; AUTHORIZE THE DIRECTOR OF PUBLIC UTILITIES, OR DESIGNEE, TO EXECUTE THE LEASE AND AGREEMENT AND SUBSEQUENT EXTENSIONS ON THE CITY'S BEHALF

(1-F) ACTIONS PERTAINING TO WIDENING OF SANTA FE AVENUE BETWEEN PALO ALTO AVENUE AND BLYTHE AVENUE
#1 ADOPT ENVIRONMENTAL FINDINGS CONTAINED IN STAFF REPORT AND CONSIDER AND ADOPT THE ENVIRONMENTAL FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 AND THE MITIGATED NEGATIVE DECLARATION FOR PLAN AMENDMENT A-09-02 (AIR QUALITY MND) PREPARED FOR ENVIRONMENTAL ASSESSMENT NO EA-13-003, FOR THE INSTALLATION OF CURB, GUTTER, ADDITION OF ONE VEHICLE TRAVEL LANE AND ONE BIKE LANE IN EACH DIRECTION, CONSTRUCTION OF A MEDIAN ISLAND, STREET LIGHTS AND THE UNDERGROUNDING OF A PORTION OF AN FRESNO IRRIGATION CANAL ON SANTA FE AVENUE BETWEEN PALO ALTO AVENUE AND BLYTHE AVENUE
#2 APPROVE ACQUISITION OF ONE PUBLIC STREET EASEMENT FROM A PORTION OF ONE PARCEL OF PROPERTY OWNED BY B. DAVID SINGH, SANJIV JAIN AND RAJINDER DHALIWAL, FOR THE INSTALLATION OF CURB, GUTTER, ADDITION OF ONE VEHICLE TRAVEL LANE AND ONE BIKE LANE IN EACH DIRECTION, CONSTRUCTION OF A MEDIAN ISLAND, STREET LIGHTS AND THE UNDERGROUNDING OF A PORTION OF AN FRESNO IRRIGATION CANAL ON SANTA FE AVENUE BETWEEN PALO ALTO AVENUE AND BLYTHE AVENUE

(1-G) APPROVE A PIPELINE PROTECTION AND INSPECTION AGREEMENT WITH SFPP LIMITED PARTNERSHIP IN THE AMOUNT OF $75,000 FOR PIPELINE PROTECTION DESIGN AND INSPECTION SERVICES FOR THE VETERANS BOULEVARD PROJECT

(1-H) RESOLUTION NO. 2013-206 – SETTING JANUARY 9, 2014 AT 10:00 A.M. FOR THE PUBLIC HEARING TO CONSIDER FORMATION OF UNDERGROUND UTILITY DISTRICT NO. FRE-93 ON THE NORTH SIDE OF NEES AVENUE WEST OF MAPLE AVENUE TO HAYSTON AVENUE ALIGNMENT

(1-I) ACTIONS PERTAINING TO FINAL MAP OF TRACT NO. 5892
#1 RESOLUTION NO. 2013-207- APPROVING THE FINAL MAP OF TRACT NO. 5892, ACCEPTING THE DEDICATED PUBLIC USES OFFERED THEREIN
#2 AUTHORIZE THE PUBLIC WORKS DIRECTOR OR HIS DESIGNEE TO EXECUTE THE SUBDIVISION AGREEMENT ON BEHALF OF THE CITY

(1-K) APPROVE A FOURTH AMENDMENT TO AGREEMENT WITH CDM SMITH INC. TO EXTEND THE TIME OF COMPLETION FOR PROFESSIONAL GROUNDWATER REMEDIAL ACTION SERVICES AT THE FRESNO SANITARY LANDFILL

(1-L) APPROVE A SECOND AMENDMENT TO AGREEMENT WITH CDM SMITH INC. IN THE AMOUNT OF $272,000 FOR GROUNDWATER MONITORING AND REPORTING FOR THE FRESNO SANITARY LANDFILL AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR HIS DESIGNEE TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

(1-M) RESOLUTION NO. 2013-208 - IN SUPPORT OF THE ASSOCIATION OF CALIFORNIA WATER AGENCIES' (ACWA) STATEWIDE WATER ACTION PLAN (SWAP) – DEPARTMENT OF PUBLIC UTILITIES

(1-N) RESOLUTION NO. 2013-209 - 23RD AMENDMENT TO THE ANNUAL APPROPRIATION RESOLUTION (AAR) NO. 2013-98 APPROPRIATING $300,000 FOR HOMELESS INITIATIVE EXPENSES

(1-O) BILL NO. B-39 – ***(FOR INTRODUCTION)*** **-** ADOPTING EXPRESS FINDINGS RELATED TO LOCAL CLIMATIC, TOPOGRAPHICAL AND GEOLOGICAL CONDITIONS THAT MAKE THE CITY'S AMENDMENTS TO THE CALIFORNIA MECHANICAL CODE REASONABLY NECESSARY AND REPEALING SECTIONS 11-101 THROUGH SECTION 11-109 OF ARTICLE 1, CHAPTER 11 OF THE FRESNO MUNICIPAL CODE AND ADDING SECTIONS 11-101 THROUGH SECTION 11-109 OF ARTICLE 1, OF CHAPTER 11 TO ADOPT AND AMEND THE CALIFORNIA BUILDING, RESIDENTIAL, ELECTRICAL, MECHANICAL, PLUMBING, ENERGY AND GREEN BUILDING STANDARDS CODES

(1-P) CONSIDERATION OF ORDINANCE REPEALING AND REENACTING ARTICLE 10 ("FIRE PREVENTION") OF CHAPTER 5 OF THE FRESNO MUNICIPAL CODE RELATING TO FIRE AND LIFE SAFETY REGULATIONS AND ASSOCIATED RESOLUTION OF EXPRESS FINDINGS
#1 BILL NO. B-40 - ***(FOR INTRODUCTION)*** - INCORPORATING AND ADOPTING EXPRESS FINDINGS OF NECESSITY RELATED TO LOCAL CLIMATIC, TOPOGRAPHICAL, AND GEOLOGICAL CONDITIONS WHICH MAKE THE CITY AMENDMENTS TO THE CALIFORNIA MECHANICAL CODE REASONABLY NECESSARY, REPEALING ARTICLE 10 OF CHAPTER 5, AND ADDING ARTICLE 10 TO CHAPTER 5 OF THE FRESNO MUNICIPAL CODE RELATING TO FIRE AND LIFE SAFETY REGULATIONS

(1-Q) BILL NO. B-41 – ***(FOR INTRODUCTION)*** - AMENDING SECTION 2-1105 OF THE FRESNO MUNICIPAL CODE REVISING SUBSECTIONS (A) AND (B) AND ADDING SUBSECTION (D) RELATING TO CONTRIBUTION LIMITS AND FILING METHODS

On motion of Councilmember Brand, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Xiong
Noes : None
Absent : None

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CONTESTED CONSENT CALENDAR:

(1-J) ACTIONS PERTAINING TO THE BOARD OF STATE AND COMMUNITY CORRECTIONS (BSCC)
#1 RESOLUTION NO. 2013-210 - AUTHORIZING THE ACCEPTANCE OF $500,000 IN GRANT FUNDING FROM THE BOARD OF STATE AND COMMUNITY CORRECTIONS (BSCC)
#2 AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO AND EXECUTE THE AGREEMENT AND ALL REQUIRED PROGRAM DOCUMENTS
#3 RESOLUTION NO. 2013-211 - 24TH AMENDMENT TO THE ANNUAL APPROPRIATION RESOLUTION (AAR) NO. 2013-98 TO APPROPRIATE $171,600 FOR THE 2013-14 GRANT ASSISTANCE PROGRAM FOR GANG REDUCTION, INTERVENTION, AND PREVENTION (CALGRIP) GRANT ***(REQUIRES 5 AFFIRMATIVE VOTES)***

Councilmember Brand had questions concerning the following: implementation of performance measures; mentoring; staff and matching funds; and interface with Fresno Unified. Captain Reed responded with the following comments: performance measures would be collected and were required by the grant; mentors were trained volunteers typically with past gang involvement; staff, such as the grant coordinator, would be involved in matching funds and had been valuable in creating relationships with Community Based Organizations; and there would be Fresno Unified interaction. Captain Reed noted the program was a continuation of a program begun in 2007.

President Xiong asked for clarification on the role of Care Fresno. Captain Reed explained Care Fresno was a non-denominational faith based organization and bible study was not a part of the program. Captain Reed stated Care Fresno would place people trained in intervention techniques in certain areas to act as mentors and also performed GED training and other roles.

Councilmember Baines asked if the program had other organizational partners besides Care Fresno. Captain Reed replied Care Fresno was one of the new organizations this cycle and there were 22 to 25 other organizations involved.

On motion of Councilmember Brand, seconded by Councilmember Olivier, duly carried, RESOLVED, the above entitled **CONTESTED CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Xiong
Noes : None
Absent : None

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(1:30 P.M. #1) **CONTINUED CONSIDERATION** OF PLAN AMENDMENT APPLICATION NO. A-07-012; REZONE APPLICATION NO. R-07-008; AND, ENVIRONMENTAL IMPACT REPORT NO. 10140 (SCH NO. 2007121033) FILED BY WESTLAKE DEVELOPMENT COMPANY, INC., AND PERTAINING TO 430 ACRES FOR THE "WESTLAKE" DEVELOPMENT PROJECT BOUNDED BY WEST GETTYSBURG, WEST SHIELDS, NORTH GARFIELD AND NORTH GRANTLAND AVENUES. **(NOTE: THE PUBLIC HEARING PORTION OF THE CITY COUNCIL'S CONSIDERATION OF THIS MATTER WAS CLOSED BY THE CITY COUNCIL ON DECEMBER 12, 2013. THEREAFTER, THE CITY COUNCIL CONTINUED ITS CONSIDERATION OF THIS MATTER TO THIS DATE AND TIME.)**

Citing a potential conflict of interest, Councilmember Olivier recused himself.

City Attorney Sloan clarified the public hearing was closed last week so no additional public testimony or evidence could be received and explained documents not received at least 24 hours in advanced of last week's meeting would not be part of the record.

On motion of President Xiong, seconded by Councilmember Baines, duly carried, RESOLVED, Resolution Nos. 2013-212 and 2013-213 hereby adopted and Bill Nos. B-42 and B-43 hereby introduced and Ordinance Nos. 2013-39 and 2013-40 hereby adopted, all by the following vote:

Ayes	:	Baines, Brand, Brandau, Caprioglio, Quintero, Xiong
Noes	:	None
Absent	:	None
Recused:		Olivier

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Councilmember Olivier returned to the meeting at 2:35p.m.

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(1:30 P.M. #2) ACTIONS PERTAINING TO BUSINESS FRIENDLY FRESNO – PERSONNEL SERVICES DEPARTMENT
#1 RESOLUTION NO. 2013-214 – 2ND AMENDMENT TO THE POSITION AUTHORIZATION RESOLUTION (PAR) NO. 2013-99 ADDING A TOTAL OF EIGHT (8) POSITIONS
#2 RESOLUTION NO. 2013-215 - 27TH AMENDMENT TO THE ANNUAL APPROPRIATION RESOLUTION (AAR) NO. 2013-98 TO APPROPRIATE $466,900 FOR THE ADDITIONAL EIGHT (8) POSITIONS AND ASSOCIATED EXPENSES TO SUPPORT THE BUSINESS FRIENDLY FRESNO APPLICATION CENTER ***(REQUIRES 5 AFFIRMATIVE VOTES)***

Personnel Services Department Director Cardell reviewed the issue and recommended approval, all as contained in the staff report as submitted. Mr. Cardell noted the development services coordinator position had not yet been established because there was an obligation to meet and confer with the bargaining unit.

The following members of the public spoke in support of the item: Lee Ann Eager of the EDC; Mike Prandini of the Building Industry Association; Jeff Roberts of Granville Homes.

Acting President Brandau asked how the different positions would be helpful to making Fresno business friendly. Mr. Cardell stated many departments were involved in the development process and reviewed different elements of plans and conducted inspections. Interim Fire Chief Donnis stated the Fire Department struggled to meet its inspection timelines and an additional fire engineer would pick up the slack in field inspections and help with plan review, sprinkler plan review and fire alarm plan review. Acting President Brandau clarified that filling the positions would help streamline the process and prevent jams and Mr. Cardell agreed. Acting President Brandau noted there was skepticism in the community about the item based on past efforts but noted this time was different based on staff efforts and asked Mr. Assemi, from Creating Prosperity, to comment on the item. Mr. Assemi stated he had not had a chance to look at the positions or the cost to the City but encouraged the city to follow the recommendations to help support growth by removing government as an impediment and supported all processes that would help end unnecessary delays.

Acting President Brandau asked Mr. Smith of the Chamber of Commerce to comment on the issue. Mr. Smith said there were approximately 55,000 jobless people in the area and, with the uptick in the economy, businesses would be looking to expand. Mr. Smith noted by removing obstacles, new businesses were more likely to open in Fresno, which would lower the jobless rate and benefit the economy. Acting President Brandau agreed Business Friendly Fresno was an investment in the City that would generate a return.

Councilmember Brand questioned the annual expense for the positions and Mr. Cardell replied the eight positions would cost $800,000 for the year. Councilmember Brand asked when the City would consider outsourcing. Mr. Rudd said changing how the City did business was part of the plan and work needed to be done in house. Mr. Rudd explained the City recognized the highs and lows in work but needed to get back to old staffing levels before outsourcing could be utilized. Mr. Rudd said council increased planning fees a year ago for payment of expenses yet to be incurred, so the development community had already paid for the new positions. Councilmember Brand felt fees were too high and adding positions did not equate to efficiencies but said the City should keep a certain level of staff and outsource when there were peaks in work.

Councilmember Quintero noted there had been past business friendly attempts and asked if the City had considered discussing the fees with developers each year like the City of Clovis. Mr. Rudd stated the City was committed to having annual meetings with the BIA, like the City of Clovis and stated the Mayor had asked him to completely review the fee program from top to bottom. Councilmember Quintero asked if there would be something like a survey card for people to provide feedback. Mr. Rudd replied there would be many levels of surveys and metrics.

Councilmember Olivier asked Debbie Hunsaker of Alert-O-Lite to comment. Ms. Hunsaker expressed support and said staff positions were needed to improve efficiencies and project turn-around times. Ms. Hunsaker asked council to keep technology in mind for the next budget cycle noting the City was behind in that area.

President Xiong asked if staff was to be paid from the general fund and if current staffing levels were the result of the economic downturn. Mr. Rudd replied the salaries were general fund but developers had paid the fees for the positions and added that when the economy stalled the City began eliminating positions. Mr. Rudd noted last year's revenues from the fees were beyond expectations indicating things were picking up so the City needed to replenish staff levels to those from before the economic slowdown. President Xiong noted there were already budget concerns across the board for next year and wanted the larger picture. Mr. Rudd said for the 2015 budget, the investment in software and ability to sustain staffing would mostly come from user fees. Mr. Rudd noted computers and technology were needed throughout the city as replacements had been deferred and deferments needed to be addressed in future allocations of funds. President Xiong stated he would support the item because the City Manager made it clear money for the positions had been identified and paid for by developers.

On motion of Acting President Brandau, seconded by Councilmember Brand, duly carried, RESOLVED, Resolution Nos. 2013-214 and 2013-215 hereby adopted, by the following vote:

Ayes	:	Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Xiong
Noes	:	None
Absent	:	None

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CLOSED SESSION:

(1:30P.M. #3) CONFERENCE WITH REAL PROPERTY NEGOTIATOR - GOVERNMENT CODE SECTION 54956.8
PROPERTY: PROPERTY INVOLVING APN 468-400-01T **NEGOTIATING PARTIES:** CITY MANAGER BRUCE RUDD

(4-A) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (D)(1)
#1 JAIME REYES, JR. THROUGH HIS SUCCESSORS IN INTEREST MIRELLA REYES AND JAIME REYES, SR., ET AL. V. CITY OF FRESNO, ET AL.; *U*NITED STATES DISTRICT COURT CASE NO. 13-CV-000418/LJO-SKO
#2 RIMON HANNA V. CITY OF FRESNO, ET AL.; SUPERIOR COURT CASE NO. 09CECG00482

(4-B) CONFERENCE WITH LEGAL COUNSEL – DECIDING WHETHER TO INITIATE LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (D)(4) CASE NAME: CITY OF FRESNO V. PATRICK CARRANCO, JESSICA CARRANCO, CHERYL FREEMAN, EDWARD KITSEN, LILIYA KITSEN, GENNADIY KITSEN, JUAN AGUILAR, FLORINDA AGUILAR, JUSTIN CANTU, SOKSEREY CHOUP , SANDY PHALA SOK, MELINDA IN SOK, STEPHANIE M. GONZALES, JASON D. GONZALES, ABRAHAM GONZALEZ, JOSE E. GONZALEZ, ANDREA A. NAJERA, SYLVIA GUTIERREZ, JAMES LOUIS HAMBY, SIMMION HOWELL, KOUA LEE, KA ZOUA YANG, JESSICA LEYVA, CARINA LOPEZ, IRENE MARTINEZ, JOHNNY MEDRANO, YING YANG, KHUA WA MOUA, XU MOUA, MARTIN MURILLO, NOEUTH YOUK, NY NIEY, LESA NINO, ROSIE ONATE, TARYN LEIGH RAMOS, MIGUEL ANGEL RIOS, BLANCA N. RIOS, VUTHY ROS, MARY ROS, JANIE RUTHERFORD, JUAN CARLOS SANCHEZ, NORMA MORALES SUAREZ, KOU THAO, MAI XIONG, TONG D. VUE, LY LEE, VERGIE WEST, CHOU YANG, MEE XIONG, HARLAN YOUNG, CATHERINE YOUNG, CURTIS HEARD, JOLEEN HEARD, DENISE A. MUNOZ, JARRET NICKOLS, EMILY NICKOLS, PABLO S. REYNA, GILBERT E. VASQUEZ, LUCY M. VASQUEZ, CLAUDE SAIZ JR., KAREN SAIZ

~and~

JOINT CLOSED SESSION:

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (D)(1) **1.** CITY OF FRESNO V. RAPS FRESNO LLC, ET AL. (HOTEL FRESNO); SUPERIOR COURT CASE NO. 05 CE CG 01744 MS

B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - GOVERNMENT CODE SECTION 54956.8
PROPERTY: PROPERTY INVOLVING APN 466-206-54T
NEGOTIATING PARTIES: EXECUTIVE DIRECTOR OF SUCCESSOR AGENCY MARLENE MURPHEY

The City Council met in regular closed session and joint closed session with the Successor Agency to the Redevelopment Agency of the City of Fresno and Fresno Revitalization Corporation in Room 2125 at the hour of 3:12p.m. to consider the above matters and recessed and convened in joint session of the City of Fresno and the Successor Agency to the Redevelopment Agency of the City of Fresno and Fresno Revitalization Corporation at the hour of 4:09 p.m. There were no announcements.

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City Clerk Spence clarified the hearing date of January 9, 2014 for item 1-H regarding a public hearing for formation of Underground Utility District No. FRE-93 should be corrected to reflect a hearing date of January 23, 2014 at 10:00 a.m.

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(2:30 P.M) JOINT MEETING OF THE CITY OF FRESNO AND THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND FRESNO REVITALIZATION CORPORATION

APPROVE SUCCESSOR AGENCY AND FRESNO REVITALIZATION CORPORATION MINUTES OF DECEMBER 12, 2013

Approval of the December 12, 2013 minutes was laid over to January 9, 2014.

(2:30p.m. – A) RESOLUTION NO. 2013-216 – RESOLUTION OF THE CITY OF FRESNO IN ITS CAPACITY AS HOUSING SUCCESSOR REGARDING HOTEL FRESNO OWNER PARTICIPATION AGREEMENT. ***(CITY ACTION)***

Member Brand explained the item was intended to provide 60 days to the owners of Hotel Fresno to either put financing in place or sell the property. Member Brand stated the process began in March of 2011 when the RDA approved an interest free 1.9 million dollar loan and a subsequent $800,000 HUD home loan with a request for a new appraisal and a 90 day deadline for financing. Member Brand noted the appraisal and financing did not materialize and the HUD home loan was rejected and the Audit and Finance Committee pulled the 1.9 million dollar RDA loan. Member Brand stated there was no financing in place and there had been four versions of the plan and urged approval of the 60 day timeline.

The following member of the public spoke in opposition of the item: Jake Coachigian, managing partner of Hotel Fresno, requested deferral of the item and wanted to respond in writing to the resolution and any Council questions

Member Brand stated Council had been patient, and the market has dramatically improved in the last 3 months and urged approval of the item.

Chair Baines addressed Mr. Coachigian and said he could provide relevant documents to the Councilmembers at a later date even though council was moving forward with the vote.

On motion of Member Brand, seconded by Chair Baines, duly carried, RESOLVED, Resolution No. 2013-216 hereby adopted, by the following vote:

CITY COUNCIL VOTE
Ayes : Baines, Brand, Brandau, Caprioglio, Olivier, Quintero,
Noes : None
Absent : Xiong

(2:30p.m. – B) CITY COUNCIL AND THE CITY OF FRESNO AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY CONSIDER ADOPT AND APPROVE:
#1 ADOPT FINDING OF CATEGORICAL EXEMPTION PURSUANT TO SECTION 15332 OF THE CEQA GUIDELINES FOR INFILL DEVELOPMENT PROJECTS
#2 RESOLUTION NO. SA-18: RESOLUTION OF SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO APPROVING A PURCHASE AND SALE AGREEMENT WITH EMBREE ASSET GROUP, INC., A TEXAS CORPORATION THE SALE OF CERTAIN FORMER REDEVELOPMENT AGENCY PARCELS LOCATED ON VENTURA STREET BETWEEN TENTH AND ELEVENTH STREETS WITHIN SOUTHEAST FRESNO ***(SUCCESSOR AGENCY ACTION)***
#3 PURCHASE AND SALE AGREEMENT BETWEEN THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND EMBREE ASSET GROUP, INC., A TEXAS CORPORATION FOR THE SALE OF CERTAIN FORMER REDEVELOPMENT AGENCY PARCELS LOCATED ON VENTURA BETWEEN TENTH AND ELEVENTH STREETS WITHIN SOUTHEAST FRESNO ***(SUCCESSOR AGENCY ACTION)***

Successor Agency Project Manager Perez reviewed the issue and recommended approval, all as contained in the staff report as submitted. Member Quintero noted the project dealt with an entire city block close to juvenile hall and felt it was good for a company to improve the area.

On motion of Member Quintero, seconded by Member Brand, duly carried, RESOLVED, finding of categorical exemption pursuant to section 15332 of the CEQA Guide lines for Infill Development Projects hereby adopted, Resolution No. SA-18 hereby adopted, and the purchase and sale agreement between the Successor Agency to the Redevelopment Agency of the City of Fresno and Embree Asset Group, Inc for the sale of certain former Redevelopment Agency Parcels located on Ventura between Tenth and Eleventh Streets within Southeast Fresno hereby approved, by the following vote:

SUCCESSOR AGENCY VOTE (City Council are members)
Ayes : Brand, Brandau, Caprioglio, Olivier, Quintero, Baines
Noes : None
Absent : Xiong

(2:30p.m. - C) RESOLUTION NOS. 2013-217 and SA-19 – TO DELEGATE AUTHORITY FOR ADMINISTRATIVE EXTENSION OF PURCHASE AGREEMENTS WHERE CIRCUMSTANCES BEYOND BUYER'S CONTROL ARE PREVENTING CLOSING. ***(CITY AND SUCCESSOR AGENCY ACTION)***

Successor Agency Executive Director Murphey reviewed the issue and recommended approval, all as contained in the staff report as submitted.

On motion of Chair Baines, seconded by Vice Chair Caprioglio, duly carried, RESOLVED, Resolution Nos. 2013-217 and SA-19 hereby adopted, by the following vote:

CITY COUNCIL VOTE
Ayes : Baines, Brand, Brandau, Caprioglio, Olivier, Quintero,
Noes : None
Absent : Xiong

SUCCESSOR AGENCY VOTE (CityCouncil are Members)

Ayes	:	Brand, Brandau, Caprioglio, Olivier, Quintero, Baines
Noes	:	None
Absent	:	Xiong

The joint bodies adjourned their meeting at 4:21p.m. and the City Council reconvened in regular session.

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(3:00 P.M.) HEARING to consider Plan Amendment No. A-13-002, Rezone Application No. R-13-008 and related Environmental Assessment No. A-13-002/R-13-008/C-13-08 filed by Terra Mortensen, on behalf of Oakmont Senior Living LLC pertaining to approximately 3.23 acres of property located on the north side of Figarden Drive between W. Bullard and N. Gates Avenues ***(Property located in District 2)***

#1 Consider and adopt the Finding of Negative Declaration prepared for Environmental Assessment No. A-13-002/R-13-008/C-13-083

#2 RESOLUTION No. 2013-218 – Approving Plan Amendment No. A-13-002 to amend the 2025 Fresno General Plan and Bullard Community Plan from the Community Commercial planned land use designation to the Medium-High Density Residential land use designation

#3 BILL NO. B-44 - Amending the Official Zone Map to rezone the subject property from the C-2/BA-20/UGM/cz *(Community Shopping Center/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning)* zone district to the R-2/BA-20/UGM/cz *(Low Density Multiple Family Residential/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning)* zone district.

Acting President Brandau announced the time had arrived to consider the issue and opened the hearing.

Development Services Project Manager Barnes reviewed the issue and recommended approval, all as contained in the staff report as submitted.

Upon call, no one wished to be heard and Acting President Brandau closed the hearing.

On motion of Acting President Brandau, seconded by Councilmember Olivier, duly carried, RESOLVED, finding of Negative Declaration prepared for Environmental Assessment No. A-13-002/R-13-008/C-13-083 hereby adopted and Resolution No. 2013-218 hereby adopted and Bill No. B-44 hereby introduced and Ordinance No. 2013-41 hereby adopted, by the following vote:

Ayes	:	Baines, Brand, Brandau, Caprioglio, Olivier, Quintero
Noes	:	None
Absent	:	Xiong

(3:15 P.M.) HEARING TO CONSIDER REZONE APPLICATION NO. R-13-006 AND RELATED ENVIRONMENTAL FINDINGS FILED BY ANDREW SARGENTI AND PAULA FANSLER OF COMMON GOAL DEVELOPMENT, INC., PERTAINING TO APPROXIMATELY 0.27 ACRES OF PROPERTY LOCATED AT 835 N. ECHO AVENUE ON THE WEST SIDE OF N. ECHO AVENUE BETWEEN E. THOMAS AND E. DUDLEY AVENUES IN THE TOWER DISTRICT SPECIFIC PLAN AREA ***(PROPERTY LOCATED IN DISTRICT 3)***

#1 CONSIDER AND ADOPT THE FINDING OF CONFORMITY PREPARED FOR ENVIRONMENTAL ASSESSMENT NO. R-13-006/S-13-033

#2 BILL NO. B-45 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM THE R-1 *(SINGLE FAMILY RESIDENTIAL)* ZONE DISTRICT TO THE R-2 *(LOW DENSITY MULTIPLE FAMILY)* ZONE DISTRICT

Acting President Brandau announced the time had arrived to consider the issue and opened the hearing.

Development Services Planner Berend announced the staff report was accurate and he would forego his prepared PowerPoint presentation unless Council had questions or felt it necessary to see the presentation. Council had no questions for Mr. Berend.

Upon call, no one wished to be heard and Acting President Brandau closed the hearing.

On motion of Councilmember Baines, seconded by Councilmember Quintero, duly carried, RESOLVED, finding of Conformity Prepared for Environmental Assessment No. R-13-006/S-13-033 hereby adopted and Bill No. B-45 hereby introduced and Ordinance No. 2013-42 hereby adopted, by the following vote:

Ayes : Baines, Brand, Brandau, Caprioglio, Olivier, Quintero
Noes : None
Absent : Xiong

3:30 P.M. **HEARING** TO CONSIDER PLAN AMENDMENT APPLICATION NO. A-10-002, REZONE APPLICATION NO. R-10-002, AND RELATED ENVIRONMENTAL FINDING FILED BY SCOTT VINCENT, ON BEHALF OF BRIAN AVERY, FOR THE PROPERTY LOCATED ON THE EAST SIDE OF NORTH MARKS AVENUE, JUST SOUTH OF WEST CLINTON AVENUE AND PROPERTY WITHIN THE WEST AREA COMMUNITY PLAN. ***(SUBJECT PROPERTY LOCATED IN DISTRICT 1 AND PLAN AMENDMENT IMPACTS DISTRICTS 1, 2, AND 3)***
#1 CONSIDER AND ADOPT THE ENVIRONMENTAL FINDING OF ENVIRONMENTAL ASSESSMENT NO. A-10-002/R-10-002/C-10-039, A FINDING OF A MITIGATED NEGATIVE DECLARATION, DATED OCTOBER 25, 2013
#2 RESOLUTION NO. 2013-219 —AMENDING THE 2025 FRESNO GENERAL PLAN AND THE WEST AREA COMMUNITY FOR ± 4.35 ACRES OF THE SUBJECT PROPERTY FROM THE MEDIUM-HIGH DENSITY RESIDENTIAL PLANNED LAND USE AND ± 0.02 ACRES OF THE SUBJECT PROPERTY FROM THE GENERAL HEAVY COMMERCIAL PLANNED LAND USE DESIGNATION TO THE HIGH DENSITY RESIDENTIAL PLANNED LAND USE DESIGNATION. THE APPLICATION ALSO PROPOSES TO AMEND POLICY W-5-B OF THE WEST AREA COMMUNITY PLAN BY ADDING LANGUAGE TO THE FIFTH POINT AS FOLLOWS: FOR SITES GREATER THAN FOUR ACRES, THE MINIMUM SITE AREA PER DWELLING UNIT SHALL NOT BE LESS THAN 2,700 SQUARE FEET. **THE MINIMUM SITE AREA MAY BE REDUCED PROVIDED PROPERTY DEVELOPMENT STANDARDS OF THE UNDERLYING ZONE DISTRICT ARE MET. [BOLD** TEXT IS PROPOSED TO BE ADDED.]
#3 BILLNO. B-46 — AMENDING THE OFFICIAL ZONE MAP TO RECLASSIFY ± 4.35 ACRES OF THE SUBJECT PROPERTY FROM THE T-P (*TRAILER PARK RESIDENTIAL*) AND ± 0.02 ACRES OF THE SUBJECT PROPERTY FROM THE C-6 (*HEAVY COMMERCIAL*) ZONE DISTRICTS TO THE R-3 (*MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL*) ZONE DISTRICT

Acting President Brandau announced the time had arrived to consider the issue and opened the hearing.

Development Services Planner Contreras announced the staff report was accurate and she would forego her prepared PowerPoint presentation unless Council had questions or felt it necessary to see the presentation. Ms. Contreras noted the subject property was located in District 3 but part of the plan amendment would affect Districts 1, 2 and 3. Council had no questions for Ms. Contreras.

The following member of the public spoke in support of the project: Scott Vincent, 1500 W. Shaw Avenue, felt the project would be an asset to the community.

Upon call, no one else wished to be heard and President Xiong closed the hearing.

On motion of Councilmember Baines, seconded by Councilmember Caprioglio, duly carried, RESOLVED, finding Environmental Assessment No. A-10-002/R-10-002/C-10-039, a finding of a Mitigated Negative Declaration dated October 25, 2013 hereby adopted and Resolution No. 2013-219 hereby adopted and Bill No. B-46 hereby introduced and Ordinance No. 2013-43 hereby adopted, by the following vote:

Ayes : Baines, Brand, Brandau, Caprioglio, Olivier, Quintero
Noes : None
Absent : Xiong

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UNSCHEDULED COMMUNICATION:

Upon call no one wished to be heard for unscheduled communication.

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ADJOURNMENT

There being no further business to bring before the City Council, the hour of 4:32 p.m. having arrived and hearing no objection, Acting President Brandau declared the meeting adjourned.

Approved on the _____day of _____, 2014.

_____ATTEST:_____

Blong Xiong, Council President | Todd Stermer, Assistant City Clerk

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